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No. 73-563

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In the Supreme Court of the United States

OCTOBER TERM, 1973

LOCAL UNION NO. 11, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AFL-CIO,
PETITIONER

v.

GEORGE H. BOLDT,
AS CHAIRMAN OF THE PAY BOARD, ET AL.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES TEMPORARY EMERGENCY COURT OF APPEALS

MEMORANDUM FOR THE FEDERAL RESPONDENTS IN OPPOSITION

ROBERT H. BORK,
Solicitor General,
Department of Justice,
Washington, D.C. 20530.

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The federal respondents invite the attention of the Court to the following facts, which show that the petition was not timely filed.

The petitioner instituted suit in the United States District Court for the Central District of California seeking a review of an administrative order of the Construction Industry Stabilization Committee ("CISC"). The CISC had approved an increase in wages and fringe benefits of $1.00 per hour out of $1.71 per hour provided for in a collective bargaining agreement between petitioner and respondent Los Angeles County Chapter, National Electrical Contractors Association. (Pet. App. A.)

The district court granted the federal respondent's motion for summary judgment. The Temporary Emergency Court of Appeals affirmed the decision of the district court on August 10, 1973, finding that the decision of CISC had a rational basis. (Pet. App. A.)

The petition for certiorari was filed on September 27, 1973, 48 days after the entry of judgment. Section 211(g) of the Economic Stabilization Act of 1970, 12 U.S.C. (Supp. II, 1972)[1] 1904, upon which this Court's jurisdiction concededly depends (Pet. 2), explicitly prescribes a 30-day period for filing a petition for a writ of certiorari to review judgments of the Temporary Emergency Court of Appeals.

It is respectfully submitted that the petition for a writ of certiorari should be denied.

ROBERT H. BORK,
Solicitor General.

NOVEMBER 1973.

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[1] Section 211(g) of the Act, 85 Stat. 750, 12 U.S.C. (Supp. II, 1972) 1904, provides in pertinent part:

> Within thirty days after entry of any judgment or order by the Temporary Emergency Court of Appeals, a petition for a writ of certiorari may be filed in the Supreme Court of the United States, and thereupon the judgment or order shall be subject to review by the Supreme Court in the same manner as a judgment of a United States court of appeals as provided in section 1254 of title 28, United States Code. * * *